

## Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 SCS-03 SCA-01 DHA-02 L-03 H-01  
SS-15 NSC-05 SP-02 CIAE-00 INR-07 NSAE-00 DEAE-00  
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FM AMEMBASSY LA PAZ

TO SECSTATE WASHDC 4765

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E.O. 11652: N/A

TAGS: CASC, BL

SUBJECT: AMERICAN PRISONERS IN BOLIVIA

REF: STATE 71651

1. EMBASSY EQUALLY FRUSTRATED WITH JUDICIAL PROCEEDINGS. IN FAIRNESS TO GOB, HOWEVER, AND TO THOSE OFFICIALS WHO, AS DEPT HAS NOTED, HAVE BEEN SYMPATHETIC AND FORTHCOMING TO EMBASSY REQUESTS, WE ARE REVIEWING BELOW POSITIVE STEPS TAKEN SINCE PROMULGATION OF NEW NARCOTICS LAW JANUARY 25. SOME ARE MINOR, SOME NOT, BUT ALL TOGETHER THEY REPRESENT SUBSTANTIAL IMPROVEMENT BOTH IN PROGRESS OF CASES AND IN CONDITION OF PRISONERS CONFINEMENT.

A) FROM JANUARY 28 THROUGH APRIL 7, 25 HEARINGS HAVE TAKEN PLACE OR ARE SCHEDULED. TIME BETWEEN HEARINGS HAS BEEN CUT MEASURABLY. PRIOR TO FEBRUARY 1977 A MAXIMUM OF FOUR TO FIVE HEARINGS TOOK PLACE PER MONTH.

B) GOB OFFICIALS, FROM MINISTER OF INTERIOR DOWN TO FISCALES, HAVE ACCEPTED PROPOSITION THAT TRIALS MUST BE ACCELERATED, AND ARE COOPERATING.

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C) AN INEFFECTIVE SUBSECRETARY OF JUSTICE (LEDESMA) HAS BEEN FIRED, PROBABLY BECAUSE OF U.S. PRISONER PROBLEM, AND A NEW ONE APPOINTED (BALLIVIAN) WHO PROMISES TO BE MORE ACTIVE IN MOVING PRISONER CASES.

D) RODENBERG HAS BEEN MOVED FROM PRISON TO CLINIC. GOLDMAN IS UNDER ACTIVE CONSIDERATION BY JUDGE.

E) MINISTER OF INTERIOR HAS AGREED APPOINT MORE JUDGES TO HANDLE CASES, AND HAS TOLD EMBOFF TWO ALREADY NAMED, ALTHOUGH PUBLIC ANNOUNCEMENT NOT YET MADE.

F) ACTIVE SEARCH FOR SPACE FOR NEW JUDGES CONTINUES. WHILE WE THINK MORE COULD BE DONE, THIS IS NOT, RPT NOT A PHONEY PROBLEM IN LA PAZ. MINIMUM SPACE REQUIRED EACH COURT, ACCORDING EMBASSY LEGAL ADVISER, IS ABOUT 95 SQUARE METERS FOR HEARING ROOM (MUST BE LARGE ENOUGH TO ESTABLISH PUBLIC, RPT PUBLIC HEARING), JUDGES' OFFICE AND CLERICAL OFFICE.

G) REQUESTS FOR DENTAL AND MEDICAL CARE ARE BEING APPROVED WITH LESS DIFFICULTY.

H) CHANGE OF CELLS AT COCHABAMBA TO SEPARATE ABRAHAMMS FROM SMITH WAS AGREED TO BY PRISON GOVERNOR.

I) KITCHEN PRIVILEGES AT WOMEN'S PRISON IN LA PAZ HAVE BEEN RESTORED. (WE WILL FOLLOW THIS UP).

2. WHILE PARENTS OF PRISONERS MAY FIND IT HARD TO GRASP, DEVELOPMENT OF PAST TWO MONTHS HAVE MADE ABUNDANTLY CLEAR THAT GOB AND GOB OFFICIALS ARE TRYING AND ARE NOT, VOLUNTARILY OR OTHERWISE, DISCRIMINATING AGAINST U.S. PRISONERS OR DEPRIVING THEM OF RIGHTS. PROBLEM IS ONE OF GETTING ANTIQUATED, UNDERSTAFFED AND INADEQUATELY FINANCED JUDICIAL SYSTEM TO MOVE QUICKLY. EMBASSY LIMITED OFFICIAL USE

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EFFORTS ARE, IN FACT, HAVING EFFECT OF CONCENTRATING GOB COURT ACTIVITIES ON AMERICAN PRISONERS, TO DETRIMENT OF BOLIVIANS AND OTHERS. WE BELIEVE TACT AND SELECTIVENESS ARE IMPORT IN OUR ACTIVITIES, OR THEY COULD PRODUCE REACTION AGAINST EMBASSY ACTIVITIES. (SEE LA PAZ 2483 ON EDITORIAL IN PRESENCIA, APRIL 2).

3. WITH REFERENCE DEPT REQUEST FOR ROUND OF NEW CONTACTS WITH JUDGES AND OTHER OFFICIALS, EMBASSY BELIEVES WOULD BE MOST HELPFUL TO DO THIS ON SELECTIVE BASIS. WE HAVE NOT REPORTED EVERY RPT EVERY CONTACT BETWEEN EMBOFFS OR EMB LEGAL ADVISOR AND JUDGES. THE FACT IS THAT THERE HAVE BEEN ALMOST DAILY CONTACTS WITH JUDGES; WE HAVE BEEN PRODDING THEM CONSTANTLY. EMBASSY WILL REVIEW CONTACTS WITH JUDGES AND ADOPT APPROPRIATE STRATEGY. WE WILL REPORT THOSE WE PLAN TO SEE AND RESULTS OF CALLS. WITH RESPECT TO SUBSECRETARY BALLIVIAN, DCM WILL MEET WITH HIM AS SOON AS APPOINTMENT CAN BE CONFIRMED, TO DISCUSS A) CASES MOST SUSCEPTIBLE OF RESOLUTION AND B) PROGRESS IN ESTABLISH-

MENT NEW COURTS AND FINDING SPACE.

4. EMBASSY HAS NO REASON TO THINK THAT DECISION ON NUMBER OF CASES WILL NOT BE REACHED PRIOR TO WINTER RECESS. WE WISH TO NOTE THAT NOT ALL PRISONERS (AND THEIR ATTORNEYS) WISH TO ACCELERATE HEARINGS. PAULSON WALKED OUT ON ONE HEARING AND FLOYD'S DELAYED BECAUSE OF HIS ATTORNEY'S DESIRE ENTER INTO RECORD A LETTER OF GOOD CONDUCT FROM PRISON GOVERNOR. ANOTHER ASPECT OF CASES IN EXEMPLIFIED BY THAT OF MARIA BADEAUX, WHO INVOLVED WITH BOLIVIAN CITIZEN. BOLIVIAN'S ATTORNEY HAS REQUESTED DELAY OF HEARING TO PRESENT NEW EVIDENCE IN HIS DEFENSE. ALTHOUGH THIS DEALYS ENTIRE CASE, WE CANNOT INTERPOSE OBJECTION TO BOLIVIAN'S ATTEMPT TO DEFEND HIMSELF.

5. WE ARE KEEPING THE PRESSURE ON AND WHILE NO CASES HAVE BEEN DECIDED BY JUDGES AS YET, UNDER NEW LAW WE ARE LIMITED OFFICIAL USE

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OPTIMISTIC OF RESULTS IN SEVERAL CASES SOON. SINCE PROCESS IS MOVING, WE DOUBT THAT WE CAN FAIRLY REACH CONCLUSION THAT THERE IS DENIAL OF JUSTICE UNDER NEW LAW SINCE IT HAS BEEN EFFECTIVE FOR ONLY TWO MONTHS OR SO. CONGESTED COURT CALENDARS DELAYING DECISION ARE NOT A PHENOMENON UNKNOWN IN OTHER COUNTRIES, INCLUDING IN U.S. OUR ACTIONS ARE BREAKING NEW GROUND BY SETTING PRECEDENTS QUITE UNUSUAL IN A POOR COUNTRY WITH NO TRADITION OF DUE PROCESS OF LAW, TROUBLED IN ITS HISTORY WITH INSTABILITY AND CORRUPTION, AND UNDERDEVELOPMENT OF ITS INSTITUTIONS. IN SPITE OF THE THRUST OF ARGUMENT OF WELL-INTENTIONED OBSERVERS THAT U.S. CONTROLS SITUATION AND IMPLICATION THAT GOB AND ITS COURTS ARE PUPPETS OF U.S., THIS IS OBVIOUSLY NOT SO. WE CONTINUE TO MAKE MAJOR AND CONCENTRATED EFFORT WHICH INDICATES PROBABLY SOLUTION TO SOME CASES QUITE SOON.  
STEDMAN

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